

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NATHANIEL OWENS, ET AL., : CIVIL ACTION NO. 3:CV-02-0356  
Plaintiffs, :  
vs. : (JUDGE CAPUTO)  
MARTIN F. HORN, ET AL., :  
Defendants. :

**MEMORANDUM ORDER**

Presently before me is Plaintiffs' request that copying costs associated with document discovery be shifted to the Defendants, or presumably paid by the United States. The Plaintiffs are proceeding *in forma pauperis*, 28 U.S.C. § 1915, and request that all documents requested be copied at the expense of Defendants and then supplied to Plaintiffs.

28 U.S.C. § 1915 permits people without funds to proceed without paying filing fees. There is nothing in 28 U.S.C. § 1915 which provides for the payment of litigation costs by the United States, and there is nothing in it which indicates an opposing party should pay for copying of discovery documents.

There is authority that such costs are not payable by the Court. See, e.g. *Garraway v. Morabito*, 2003 WL 21051724 (N.D.N.Y 2003). Moreover, 28 U.S.C. § 1915 contemplates that an *in forma pauperis* party must pay any costs taxed against him or her at the conclusion of a suit, thereby indicating a Congressional interest not to relieve such a party from litigation costs and expenses except for filing fees.

Similarly, it is inappropriate to shift these costs to the Defendants. Simply because the Defendants are agents of the Commonwealth of Pennsylvania is not reason enough to shift these costs. The intent of 28 U.S.C. § 1915 is not to provide an advantage to an indigent litigant, but rather to provide access to the courts. Financing any litigation so filed and allowed is another question. I find the weight of authority and reason is against placing such costs on the United States, and I find it unwarranted to shift them to the Defendants.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that the Plaintiffs shall be responsible for the payment of the costs and expenses of pursuing this litigation.

Date

November 18, 2005

AR Caputo

A. Richard Caputo  
United States District Judge